

## Summary of Part B State Plan Changes with Comments and Responses: March 2015

Reg/ Page	Proposed Change	Comments	Response
Cover	Changed the date to <b>January 2015</b>  Changed name of Commissioner of Education to <b>Dr. Margie Vandeven</b>		Updated to March 2015 to reflect date of Board Approval.
I / 11	Add definition of <i>Telepractice</i> as follows:  <b>Telepractice is a service delivery model using technology to deliver professional services at a distance by linking professional to student or professional to professional for assessment, intervention, and/or consultation. Utilization of telepractice is governed by the Missouri professional licensing boards and by the policy, procedures, and practices for each profession (i.e. The American Speech-Language-Hearing Association, The American Occupational Therapy Association, The American Psychological Association, etc.)</b>	Remove this definition – term is not used anywhere in the plan so no definition needed, this term is not used in IDEA, the requirement for professionals to follow licensure regulations is already in the plan on page 101. (P Thomas)	The definition will be left in but moved to the section on personnel standards on page 101.
III / 24	Delete <del>300.304-300.305</del> and replace with <b>300.307-300.311</b>		
III / 36	Delete <del>by</del> and replace with <i>before</i> as follows:  B. For a child with a disability who becomes Kindergarten age eligible (age five (5) <b>before</b> August 1), districts shall, through approved district policy, choose one of the following methods to determine continuing eligibility for special education:		
III / 37	Delete <del>by</del> and replace with <i>before</i> in two places as follows:  C. Children who are kindergarten age eligible (age five (5) <b>before</b> August 1) and have not been identified as eligible for special		

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	<p>education in prior years, must meet criteria of any disability category other than Young Child with a Developmental Delay (YCDD).</p> <p>D. Children who are first grade age eligible (age six (6) <b>before</b> August 1) must meet criteria of any disability category other than Young Child with a Developmental Delay (YCDD).</p>		
IV / 39	<p>Adds language as follows:</p> <p>This State Plan and the Part C State Plan outlines procedures that <b>both</b> the Part <b>B</b> and <b>Part C</b> systems must complete to assure a smooth transition for children eligible for <b>the Part C program and eligible for Part B services to receive services</b> at age three (3).</p>	Leave in the s at the end of system (Schroeder)	Agreed. Change made.
IV / 40	<p>Update language and correct capitalization as follows:</p> <p>B. students who have graduated from high school with a regular high school diploma. The term, regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate <b>of attendance</b> or a <b>G</b>eneral <b>E</b>ducational development credential <b>Diploma</b> (GED) <b>or a High School Equivalency (HSE) certificate</b>. Graduation from high school with a regular high school diploma constitutes a change in placement, requiring prior written notice in accordance with 34 CFR 300.503.</p>		
IV / 40	<p>Add language as follows:</p> <p>Students who have participated in a graduation ceremony or who have obtained a General Education Diploma (GED) <b>or a High School Equivalency (HSE) certificate</b>, but have not been awarded a regular high school diploma,</p>		

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	continue to be eligible to receive FAPE if they are under twenty-one (21) years of age.		
IV / 42	<p>Add language as follows:</p> <p>B. a statement of measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities, and meeting each of the child's other educational needs that result from the child's disability.</p> <p><b>Measureable goals are specific to a particular skill or behavior to be achieved, measureable/quantifiable, attainable, results oriented, time-bound and can reasonably be accomplished within the duration of the IEP.</b> For children with disabilities who take alternative assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;</p>	<ol style="list-style-type: none"> <li>1. Spelling of measureable is incorrect (Quetsch)</li> <li>2. Support this change (McClure)</li> </ol>	Agreed. Change made.
IV / 47	<p>Add language as follows:</p> <p><b>The second attempt to schedule a meeting with the parent must be a direct contact. A direct contact includes regular or certified mail, phone call, or in person contact.</b></p>	<ol style="list-style-type: none"> <li>1. Add language that an email or text message can be documentation of a second contact. (Rothermel)</li> <li>2. Does leaving a message constitute direct contact? (Rothermel)</li> <li>3. Support change but suggest adding in "phone call where both parties have live communication for no less than 1 minute" (McClure)</li> </ol>	No change made. Proposals 1 and 2 change the intent of the proposed change. Proposal 3 places an unnecessary burden on districts and parents to track the time limit of a conversation and extend it when unnecessary.
IV / 54	<p>Changes language as follows:</p> <p>In Missouri, all children <del>in</del> <b>eligible for</b> the Part C program are considered to be potentially eligible for Part B services. The Part C program notifies the LEA in which the</p>		

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	child <del>lives</del> <b>resides</b> in accordance with the Part C State Plan.		
IV / 54	<p>Change language as follows:</p> <p>The Part C program requires that a transition conference with the LEA be held in accordance with the Part C State Plan. If invited, LEA personnel must participate in the meeting regardless of the time of year in which the meeting occurs. <b>LEA personnel may participate in the meeting</b></p> <p><del>participation may be achieved</del> through a variety of methods, including in person, phone conference, web conference etc.</p>		
IV / 55	<p>Change before to by:</p> <p>All children found eligible for Part C and who are also found eligible for Part B, including Part C Extension children described below must have an IEP developed <b>by</b> the child's third birthday.</p>		
IV / 55	<p>Update language as follows:</p> <p>An invitation to the initial IEP team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representative of the Part C system to assist with the smooth transition of services <b>for a child who previously received Part C services.</b></p>		
IV / 55	<p>Add in word the as follows:</p> <p>Parents of a child determined eligible for both Part C and Part B, and who has a summer third birthday in accordance with <b>the</b> Part C State Plan, may choose to: (1) continue Part C services until the initiation of the local district's school year following the child's third birthday, or (2) transition to Part B to receive FAPE on the child's third birthday.</p>		

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V / 70	<p>Change the language as follows:</p> <p>Once the Administrative Hearing Commission has issued a final decision, no motion for reconsideration is permitted. However, if a final decision contains technical or typographical errors, a party may request correction of the errors if the correction does not change the outcome of the hearing or substance of the final hearing decision. Requests for a change of a technical or typographical error do not toll the time for an appeal. The Commissioner <del>shall hearing the case</del> makes the determination if <del>whether</del> <b>such</b> a change is necessary.</p>		
V/73	<p>Change the language as follows:</p> <p>All pleadings must be filed by fax or mail or as otherwise provided by <del>the</del> Administrative Hearing Commission <del>rules</del>.</p>		
V/73	<p>Change the language as follows:</p> <p>The Commissioner may, at <del>his or her</del> <b>its</b> discretion, limit the number of witnesses, the length of direct and cross examination, and the number and type of documents used as evidence in the hearing</p>		
V / 79	<p>Add a description of "Removal" as follows:</p> <p><b>Removal</b>  <b>A removal occurs when a student with a disability is removed from the instructional setting for behavior reasons for any part of the school day. This removal must be considered in determining whether a change of placement has occurred.</b></p>	<ol style="list-style-type: none"> <li>1. Support this change (McClure)</li> <li>2. Do not include the definition (MO-CASE) <ul style="list-style-type: none"> <li>• Definition confuses discipline and other removals-does not clarify</li> <li>• ISS should not be counted as removals for the purposed of discipline procedures-change to a long standing practice</li> <li>• Creates a practical problem for schools</li> </ul> </li> </ol>	<p>Agreed. This language is confusing and open to multiple interpretations. The proposed addition will be deleted. The Department will be evaluating the issue for future state plans.</p>
V / 82	<p>Change the language as follows:</p> <p><del>A qualified hearing Commissioner</del> <b>The</b></p>		

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	<p><b>Administrative Hearing Commission</b> will hold the due process hearing and make a decision. The <del>hearing Commissioner</del> <b>Commissioner</b> may:</p> <p>A. return the child with a disability to the placement from which the child was removed if the <del>hearing Commissioner</del> <b>Commissioner</b> determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the child's behavior was a manifestation of the child's disability, or</p>		
VI / 102	<p>Update the educational qualifications for Audiology Aide and Interpreter of the Deaf by adding in additional equivalency degree</p> <p>High school diploma or GED <b>or HSE (High School Equivalency Certificate)</b></p>		
VI / 103	<p>Update the education qualifications for Orientation and Mobility Paraprofessional as follows:</p> <p><del>Bachelor's Degree in fields of study other than those listed above</del> <b>High school diploma or GED or HSE (High School Equivalency Certificate)</b></p>		
VI / 103	<p>Update the certificates or license requirements for Orientation and Mobility Paraprofessional as follows:</p> <p>Demonstrated proficiency in O&amp;M as <del>required by a current contract with Rehabilitation Services for the Blind and 2 years supervised experience with blind/or visually impaired persons</del> <b>determined by the supervisory O&amp;M Specialist</b></p>		
VI / 103	<p>Update education qualifications for Paraprofessional as follows:</p>		

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	High school diploma or GED <b>or HSE (High School Equivalency Certificate) OR</b> If assigned to a school-wide Title I building, meets the paraprofessional requirements of the No Child Left Behind Act.		
VI / 104	Update educational qualifications for Paraprofessional for Braille Instruction as follows  High school diploma or GED <b>or HSE (High School Equivalency Certificate) OR</b> If assigned to a school-wide Title I building, meets the paraprofessional requirements of the No Child Left Behind Act.		
VI / 104	Update the certificates or license Paraprofessional for Braille Instruction as follows:  Demonstrated proficiency in Braille as <del>required by a current contract with Rehabilitation Services for the Blind.</del> <b>determined by the supervisory teacher for the visually impaired</b>		
VI / 105	Added language to the position of Special Education Supervisor as follows:  Special Education Supervisor/ <b>PK-12</b> • high school • middle school • elementary • <b>early childhood special education ECSE</b> • <b>early childhood education/ early childhood special education (ECE/ECSE)</b>		
VI / 105	Changed the Educational Qualifications of the Special Education Supervisor as follows:  <del>Master's</del> <b>Bachelor's</b> Degree	Support the change but also add in "minimum 15 college credit hours beyond a bachelor's degree." (McClure)	No change will be made. Unspecified additional hours of college credit add no definitive benefit to the qualifications.
VI / 106	Added language as follows to the responsibilities of Speech Language Pathology	1. The addition of "to assist with the implementation of the IEP" exceeds what is	Agreed. The language "to assist with the implementation of IEPs" will be deleted. Scope

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	<p>Aide:</p> <p>Works under the direct supervision of a licensed speech/language pathologist <b>to assist with the implementation of IEPs. Additional responsibilities may include preparation of materials and providing other supports that may be necessary based on the student's needs and disability.</b></p>	<p>permitted in the licensure practice act. (Brenda from public hearing #2)</p> <p>2. The addition confuses the work of an SLP-Aide and SLP-Assistant and exceeds the practice act. (MO-CASE)</p>	<p>of practice of speech language pathology aides are governed by the licensing board.</p>
VI / 106	<p>Update the educational qualifications for Speech/Language Pathology Aide</p> <p>High school diploma or GED <b>or HSE (High School Equivalency Certificate)</b></p>		
VII / 112	<p>Add language as follows to the ECSE expenditure requirements :</p> <p>Public agencies may not collect or charge tuition costs for allowable ECSE services; <b>however, the public agency may charge for tuition related to general early childhood education that is not part of the Individualized Education Program (IEP).</b></p>		
VII / 113	<p>Changed the language on lease expenditures as follows:</p> <p><del>For any lease amount over \$400,000 per year, the public agency must submit documentation on the options considered for ECSE facilities and how the option chosen is the most cost effective.</del></p> <p>o <b>Lease payments are made in accord with the formula in 5 CSR 30-640.200.</b></p>	<p>1. Do not include reference to the rule until it is finalized. (Nixa public schools)</p> <p>2. Do not include reference to the rule until it is finalized. (Springfield public schools)</p> <p>3. Do not include until the rule is finalized. (MO-CASE)</p>	<p>Agreed. Delete “the formula in” but leave the remaining language. This indicates that the rule, when finalized will govern lease payments. Puts districts on notice of the procedure for leasing.</p>
VII / 114	<p>Changed language as follows:</p> <p>8) Professional Development Expenditures</p> <p>o Teachers, administrators, and other direct services staff (OT, PT, SLPs, Interpreters, etc.) are allotted <del>up to</del> <b>at a minimum</b> \$300 per FTE</p>	<p>Suggest putting in a maximum amount to cap expenses. Minimum language leaves it open ended. (Rothermel)</p>	<p>Agree. The proposal does not reflect the intent of the Department. All proposed additions will be deleted resulting in no change to these sections.</p>



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	<p>for professional development activities. Part-time staff must be prorated based on these flat rate amounts.</p> <p>o Paraprofessionals are allotted <del>up to</del> <b>at a minimum</b> \$150 per FTE for professional development activities. Part-time staff must be prorated based on these flat rate amounts.</p> <p>9) Start-Up Costs/New Classrooms Requirements</p> <p>o Start-up costs <del>up to</del> <b>at a minimum of</b> \$10,000 are allotted for a new classroom when the district has an increase from the prior year to the current year in either the December 1 Child Count or the End of the Year Count that meets the minimum caseload requirement.</p> <p>o A district that previously contracted for ECSE services with a private agency or cooperative and is starting a program in-house may utilize start-up funds even if minimum caseload requirements are not met.</p> <p>o Start-up costs <del>up to</del> <b>at a minimum of</b> \$1,200 per FTE are allotted for each new itinerant position that meets minimum caseload requirements.</p> <p>10) Supplies/Program Maintenance Expenditures</p> <p>o The public agency is allotted <b>at a minimum</b> \$75 per the December 1 Child Count or the End of the Year Child Count (whichever is higher).</p>		
VII / 115	<p>Update the ECSE Caseload Chart as follows:</p> <p><del>Teacher of Center-Based Self-Contained</del> <b>Early Childhood Special Education</b> Classroom – <b>This classroom strictly has ECSE students for those districts that do not have the capacity or student base for integration.</b> Caseload/ Class Size <b>10- 20</b></p>	<ol style="list-style-type: none"> <li>1. Delete the sentence above the chart that states “ECSE funding will not be provided for staff serving children who are age 5 and kindergarten eligible.” (Woods)</li> <li>2. Remove definition on types of classrooms- does not belong in a chart. (Woods)</li> </ol>	<p>No change will be made. The suggested change is not needed.</p> <p>Agree. Delete the definitions. Definitions will be set forth in the Final Expenditure Report (FER) Guidelines to be issued by July 1, 2015.</p>

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VII / 115	Update the ECSE Caseload Chart as follows:  Teacher of Integrated Classroom ( <del>formerly referred to as Reverse Mainstream</del> —At least half of the children must have an IEP/qualify for ECSE.) <b>This classroom has both ECSE students and non-disabled peers up to 50% for full ECSE funding. If the ratio is more than 50% of non-disabled peers, the teacher cost will be prorated based on child counts.</b> Caseload/ Class Size <b>10- 20</b>	Remove definition on types of classrooms-does not belong in a chart. (Woods)	Agree. Delete the definitions. Definitions will be set forth in the Final Expenditure Report (FER) Guidelines to be issued by July 1, 2015.
VII / 115	Update the ECSE Caseload Chart as follows:  Teacher of Severe/Low Incidence Classrooms <b>This classroom is strictly for students with low incidence disabilities that necessitate a smaller classroom size.</b> Caseload/ Class Size <b>4 - 10</b>	Remove definition on types of classrooms-does not belong in a chart. (Woods)	Agree. Delete the definitions. Definitions will be set forth in the Final Expenditure Report (FER) Guidelines to be issued by July 1, 2015.
VII / 115	Update the ECSE Caseload Chart as follows:  <b>Teacher of Braided Classroom - This classroom is an early childhood classroom that may contain ECSE students. The cost paid by ECSE is proportionate based on the number of students with Individualized Education Programs (IEP) in the classroom. Caseload/ Class Size 10 - 20</b>	1. Delete this section as it is not necessary since there is no way to fund the program. (Woods) 2. Remove definition on types of classrooms-does not belong in a chart. (Woods)	Agreed. The entire section will be deleted. Braided classrooms have not been approved by the U.S. Department of Education for the use of federal funds.
VII / 115	Update the ECSE Caseload Chart as follows:  Paraprofessional in ECSE Centerbased Self Contained Classroom or Integrated Classroom Caseload/ Class Size <b>10-20</b>		
VII / 115	Update the ECSE Caseload Chart as follows:  Paraprofessional in ECSE Severe/Low Incidence Classrooms Caseload/ Class Size <b>4 - 10</b>		
VIII/ 125	Changed language as follows:	1. Support (McClure) 2. Eliminate “nonsecular” (MO-CASE)	Agreed. Nonsecular will be deleted.

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	Missouri case law and the Missouri Constitution prohibit the provision of <b>personnel, services, materials, and equipment on the premises</b> <del>services, equipment, and personnel on site at</del> of a child's <b>nonsecular</b> private school <b>unless they are provided in a neutral site</b> . LEAs must determine how and where services will be provided to children with disabilities attending private or parochial schools <del>and could consider the provision at a neutral site.</del>		
X / 141	<p>Added language as follows:</p> <p>The Missouri Department of Elementary and Secondary Education (<b>Department</b>) provides free appropriate public education services for students with disabilities through three State Board of Education Operated Programs: School for the Deaf, School for the Blind, and the Missouri Schools for the Severely Disabled.</p> <p>The Department ensures that each educational program for children with disabilities administered by the State Board of Education is under the general supervision of the Office of Special Education, Department of Elementary and Secondary Education, and that their programs meet the standards of the <b>State Education Agency (SEA)</b>.</p> <p>The Missouri Schools for the Severely Disabled (MSSD), a system of day school services in separate school settings, were established by state law to serve those students with severe disabilities referred to the State Board of Education by local school districts which do not operate such programs themselves and which are not a part of special</p>	<p>Support acronym changes. (McClure)</p> <p>Modify the following sentence by deleting and adding in underlined information. (McClure)</p> <p>If the evaluation information and the Individualized Education Program (IEP) compiled by the local <b>education agency (LEA)</b> supports separate school placement as the student's least restrictive educational</p>	<p>No change will be made. Regulation X applies to the requirements for the State Board Operated Schools. References to approved private agencies are beyond the scope of this regulation.</p>

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	<p>school districts. If the evaluation information and the Individualized Education Program (IEP) compiled by the local <b>education agency (LEA)</b> district supports separate school placement as the student's least restrictive educational environment, the <del>local education agency</del> <b>LEA</b> may seek determination of student eligibility for services. The following procedural information is provided to assist school districts in accessing services from the MSSD.</p>	<p>environment, the <b>LEA</b> may <del>seek determination of student eligibility for services</del> <u>refer the student to an approved private agency (separate private school) or MSSD.</u></p>	
X / 142	<p>Clarified acronyms as follows:</p> <p>2) The <del>local school district</del> <b>LEA</b> shall provide justification of why it is not the least restrictive environment for the student. The district must demonstrate why it cannot educate the student in the local school and justify why the services they have provided are not adequate to meet the needs of the student.</p> <p>Students who educationally benefit from special education and related services that can be provided by <del>local educational agencies</del> <b>the LEAs</b> are not considered eligible for services through MSSD. In general, students with disabilities such as cognitive deficits falling two (2) to three (3) standard deviations below the mean, Speech or Language Impairments, Hearing Impaired/Deaf, Visually Impaired/Blind, Learning Disabilities, Emotional Disturbance, Other Health Impaired, Traumatic Brain Injury, or Orthopedically Impaired can receive an appropriate education when served by <del>local educational agencies</del> <b>LEAs</b>.</p>	<ol style="list-style-type: none"> <li>1. Support acronym changes. (McClure)</li> <li>2. Add "LEA must list contacts made with approved private agencies (separate private schools) regarding eligibility for placement. Provide justification why placement at approved private agency is not FAPE." (McClure)</li> </ol>	<p>No change will be made. Regulation X applies to the requirements for the State Board Operated Schools. References to approved private agencies are beyond the scope of this regulation.</p>
X / 143	<p>Changed language as follows:</p> <p>All students identified as potentially in need of special education services shall be enrolled in</p>	<p>Leave in "the" in section 4 for ease of reading. (Schroeder)</p>	<p>Agreed. Change made.</p>

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	<p>and served by the <del>local school district</del> <b>LEA</b> pending the determination of such need. This includes students whose performance indicates possible functioning within the range of severe to profound <del>mental retardation</del> <b>intellectual disability</b>.</p> <p>2) The <del>local school district</del> <b>LEA</b> in which the student resides shall complete a comprehensive evaluation which is current within three (3) years. Additional evaluations may be required as determined necessary for individual students. The evaluation information must be obtained in accordance with State regulations on evaluation. Additional educational records or other pertinent information may be required by MSSD to clarify the student's educational needs.</p> <p>3) Following compilation of evaluation information, the <del>local district</del> <b>LEA</b> where the student resides is responsible for development of an IEP for the current school term in accordance with the requirements of State regulations. The district must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.</p> <p>4) When the IEP indicates the student is in need of services which the <del>local district</del> <b>LEA</b> is unable to provide and which may be provided by MSSD, <del>the local school district</del> <b>LEA</b> must forward documentation for eligibility review which includes:</p>		
X / 144	<p>Delete:</p> <p><del>Parental consent must be obtained before the documentation for the eligibility review is submitted to MSSD</del></p>	<p>This section permits the LEA to reveal personally identifiable information to MSSD prior to student admission to MSSD without parent permission. (McClure)</p>	<p>Accept. Will not make the proposed change to delete the section.</p>

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	<p><del>or all personally identifiable information, as defined in 34 CFR 99.3, must be removed from the documentation before it is provided to MSSD.</del></p>		
X / 144	<p>Changed language as follows:</p> <p>Students who are eligible for the <del>Missouri Schools for the Severely Disabled</del> <b>MSSD</b> based on the severity of the disability will not be accepted if they require permanent homebound placement as such a placement requirement would therefore preclude attendance at a separate day program such as MSSD. Students who otherwise qualify and require only intermittent homebound placement will be accepted for placement.</p> <p>6) Should the district be notified that the student is eligible for MSSD, the district may refer the student. The district shall notify parents of the eligibility decision and submit the referral only after the parents have been offered all rights available to them as explained in the Procedural Safeguards notice. If the IEP at time of request does not reflect a total of 1,800 minutes of service per week, the district must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide <b>free appropriate public education (FAPE)</b>.</p> <p>8) Within thirty (30) days following initial enrollment of the student, an IEP/placement review conference shall be held. The purpose of this review is to confirm the appropriateness of continued placement in MSSD as the least restrictive environment to</p>		

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	<p>provide a <del>free appropriate public education</del> <b>FAPE</b> for the student. The student's teacher, other appropriate professional personnel from the school, a representative of the referring district, and the student's parent shall be invited to participate in this review. The parents shall be informed of their right to appeal, in accordance with the procedures provided in the Procedural Safeguards notice, any change in placement decision made as a result of this review.</p>		
X / 145	<p>Changed language as follows:</p> <p>1) Transfer of students enrolled in MSSD A student who is enrolled in a MSSD school and moves from one local school district to another (including those moves to another district within the catchment area of the MSSD school the student currently attends), may transfer enrollment immediately on the basis of the Justification for Separate School Placement, current IEP, and evaluation report. This is considered an interim placement, not to exceed <del>thirty (30)</del> <b>sixty (60)</b> days, during which the new <del>local district</del> <b>LEA</b> follows the transfer procedures provided within Regulation III, Procedures for Evaluation and Determination of Eligibility, to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student. If this review results in determination that MSSD is the least restrictive environment, the new <del>district</del> <b>LEA</b> will complete the Justification <del>for</del> of Continued Separate School Placement. If, during the <del>thirty (30)</del> <b>sixty (60)</b> day interim period, the new local school district fails to provide Justification of Separate School Placement, the student will not be served by MSSD and shall be served by the LEA</p>	<p>In the last sentence change local school district to LEA to be consistent with acronym use. (Schroeder)</p>	<p>Agreed. Change made.</p>

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	through a placement other than MSSD.		
X / 145 - 146	<p>2) Transfer of Students with Severe Disabilities from a Separate School (Day) Facility (in Missouri School District, a Special School District, or an Out-of-State Program): A <del>thirty (30)</del> <b>sixty (60)</b> day interim placement <b>at</b> MSSD may be available for students with severe disabilities who are changing school districts due to a change in residence. These students must have been receiving services in their local district; through cooperative arrangement by their home district with another school district; in a special school district; or, in an out-of-state program for students with severe disabilities.</p> <p>To qualify for this interim placement, the following criteria must be met:</p> <ul style="list-style-type: none"> <li>• The current IEP and evaluation report are adopted by the new school district pursuant to transfer procedures provided within Regulation IV, Least Restrictive Environment.</li> <li>• The new <del>district</del> <b>LEA</b> submits a copy of the student's current IEP and evaluation report to MSSD with a letter acknowledging adoption of the documents. In the same letter, the new <del>district</del> <b>LEA</b> will verify the previous placement provided educational services in a self-contained classroom with students with severe disabilities in a separate school building. In addition, the district requests that the student be served in a <del>thirty (30)</del> <b>sixty (60)</b> day interim placement to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student.</li> <li>• MSSD will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.</li> </ul>		



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	<ul style="list-style-type: none"> <li>• Enrollment paperwork must be completed at the onset of the <del>thirty (30)</del> <b>sixty (60)</b> day interim placement period. MSSD will notify the LEA of the date of the student's enrollment.</li> <li>• During the <del>thirty (30)</del> <b>sixty (60)</b> day interim placement, the local district shall follow the referral procedures to seek eligibility determination in accordance with B 1-6 above. If found eligible, the LEA will issue a notice of action to the parents, guardian or surrogate parent and MSSD confirming continued placement in the State School. If, during the <del>thirty (30)</del> <b>sixty (60)</b> day interim period, the <del>local school district</del> <b>LEA</b> fails to submit the Justification <del>of</del> <b>for</b> Separate School Placement, the student will not be served by MSSD and shall be served by the LEA through a placement other than MSSD.</li> </ul> <p>If MSSD is not confirmed as the student's least restrictive educational environment, the <del>local district</del> <b>LEA</b> is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V, Procedural Safeguards, and Regulation IV, Individualized Education Programs.</p>		
X / 146	<p>Add new procedure for transfer students who had previously attended MSSD, moved out of state and the transfer IEP is not for a separate day program:</p> <p><b>3. Transfer of students who previously attended MSSD, moved out of state, and have returned to Missouri</b>  <b>To qualify for this interim placement, the following criteria must be met:</b></p> <ul style="list-style-type: none"> <li>• <b>The student attended MSSD in the 12 months prior to seeking readmission, and</b></li> </ul>		

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	<ul style="list-style-type: none"> <li>• The student moved out of state and had an IEP placement other than a separate day school, and</li> <li>• The student has moved back to Missouri, and</li> <li>• The parent agrees to the interim placement at MSSD.</li> </ul> <p>Procedure to implement the interim placement:</p> <ul style="list-style-type: none"> <li>• The current IEP and evaluation report are reviewed by the new LEA pursuant to transfer procedures provided within Regulation IV, Least Restrictive Environment and a decision made accepting or rejecting the IEP and evaluation report is documented.</li> <li>• The new LEA submits a copy of the student's current IEP and evaluation report to MSSD with documentation of the acceptance or rejection of the documents.</li> </ul> <p>In a letter, the new LEA will verify the previous placement at MSSD within the prior twelve (12) months. In addition, the LEA requests that the student be served in a sixty (60) day interim placement to confirm concurrence with placement in MSSD as the least restrictive educational environment for the student.</p> <ul style="list-style-type: none"> <li>• MSSD will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.</li> <li>• Enrollment paperwork must be completed at the onset of the sixty (60) day interim placement period. MSSD will notify the LEA of the date of the student's enrollment.</li> <li>• During the sixty (60) day interim placement, the LEA shall follow the procedures to seek eligibility determination in accordance with B 1-6 above. If found</li> </ul>		
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	<p><b>eligible, the LEA will issue a notice of action to the parents, guardian, or surrogate parent and MSSD confirming continued placement in the state school. If, during the sixty (60) day interim period, the LEA fails to submit all the documentation needed to determine eligibility for placement at MSSD, the student will not be served by MSSD and shall be served by the LEA through a placement other than MSSD.</b></p> <p><b>If MSSD is not confirmed as the student's least restrictive educational environment, the LEA is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V, Procedural Safeguards, and Regulation IV, Individualized Education Programs.</b></p>		
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## Summary of Part B State Plan Changes with Comments and Responses: March 2015

### Comments about sections where DESE did not propose a change

The Department declines to make any substantive changes proposed that have not been put out for public comment. All suggestions not adopted will be considered at the time of the next revision to the state plan.

Reg/ Page	Proposed Change	Response
III / 19	delete Tourette Syndrome as is included as potential disability under OHI (McClure)	No change. This is a listing of medical conditions that may qualify as a disability if there are significant learning problems.
III / 33	Delete as indicated (McClure) A reevaluation may occur not more than once a year, unless the parent and the public agency agree otherwise. A reevaluation must occur at least once every three years, <del>unless the parent and the public agency agree that a reevaluation is unnecessary.</del>	This is a significant change that will need public comment. Will be considered the next time the state plan is revised.
IV / 46	Add highlighted (McClure) Parent Participation (34 CFR 300. 322) Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including notifying the parents of the meeting early enough to ensure they will have an opportunity to attend and scheduling the meeting at a mutually agreed on time and place. "A parent may audio record an IEP meeting in which he/she is in attendance".	This is a significant change that will need public comment. Will be considered the next time the state plan is revised.
V / 63	Add highlighted (McClure) The Department of Elementary and Secondary Education makes mediation available to allow parents or adult students and responsible public agencies to resolve disagreements involving any matter under Part B of IDEA, including matters arising prior to the filing of a due process complaint. Mediation will be provided at no cost to either party. Department funded mediation is not available to resolve disputes between parents or between districts and persons other than the parent (or adult student). "The LEA will respond either in the affirmative or negative to a request by a parent to mediate within 3 business days of the receipt of the request. "	This is a significant change that will need public comment. Will be considered the next time the state plan is revised.
VI / 93	Add to the intro on child complaints (McClure) Redacted copies of the most recent five years "final decisions" will	This change will not be made to the state plan but the Department will consider posting redacted copies of some child complaint decisions.

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	be available for viewing on the MODESE website”	
VI / 96	In section 7 delete 300.165 in and change it to 300.167- 300.169 to accurately reflect the federal regulations (Quetsch)	Agreed. Change made.
VI / 97	Delete 34 CFR 300.653 to accurately reflect the federal regulations (Quetsch)	Agreed. Change made.
VI / 97	Add to the Advisory Panel Procedures (McClure) F: Meetings will be facilitated by a member other than an employee of the special education section of MODESE	The change will not be made to the state plan. The bylaws of the Advisory Panel govern the procedures at the meeting. Article IV Section III provides that the Chairperson shall preside at all meeting.
VI / 99	In section 14 delete 34 CFR 300.177 to accurately reflect the federal regulations (Quetsch)	Agreed. Change made.
VI / 101	Add to the end of the paragraph on the use of paraprofessionals (McClure) Paraprofessionals shall not be prohibited from attending and/or participating in IEP meetings. LEAs will encourage attendance of paraprofessionals at the IEP meetings of students for whom they support.	This is a significant change that will need public comment. Will be considered the next time the state plan is revised.
VII / 107	In Section 5 add 300.155 to accurately reflect the federal regulations (Quetsch)	Agreed. Change made.
VII / 117	There is no information under the subsection a). Should there be referral back to page 115 where that information is set forth? (Lewis)  <b>5. CLASS SIZE AND CASELOADS</b> Caseloads and Class Size Requirements differ between Early Childhood Special Education (ECSE) and grades K-12. Caseloads for ECSE are mandatory and tied to funding requirements. The standards for grades K-12 are desirable and should not exceed the maximum case load outlined in the Caseload guidance on the Office of Special Education website. Factors to consider when determining caseload for grades K-12 are listed below. a) Caseloads and Class Size Requirements for Early Childhood Special Education (ECSE) b) Class Size/Caseload Standards for Grades K-Twelve (12) It is the responsibility of the public agency to assign students to classes and monitor student/teacher ratios for class size and caseload to ensure that there are adequate staff and that staff have adequate time to provide for the implementation of the IEP of each identified student with a disability. ....	Agreed. Clarity is added by inserting the following statement after a) "See Regulation VII Section 7 for ECSE requirements."
X / 142	Change the names of the American Association for Mental Retardation	Agreed. Change made.

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	(AAMR) to American Association on Intellectual and Developmental Disabilities (AAIDD) (Kocher)	
X / 143	Add the following (no location identified) (McClure) “other than MSSD facilities”	No change made as not clear what the intended revision is.
X / 144	Add to the section about MSSD (McClure) Eligibility should not force a student into a MSSD placement. Parent may opt to not participate in eligibility process.	Change is not necessary. Parents may already choose not to participate in the process.
X / 144	Item 6 change as indicated (changes highlighted): (McClure) Should the district be notified that the student is eligible for MSSD, the district may refer the student. <del>The district shall notify parents of the eligibility decision and submit the referral only after the parents have been offered all rights available to them as explained in the Procedural Safeguards notice.</del> The district shall notify parent that the student is eligible for potential placement at MSSD. If the IEP at time of request does not reflect a total of 1,800 minutes of service per week, the district must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide FAPE.	This proposal appears to take rights away from parents. This is a significant change that will need public comment. Will be considered the next time the state plan is revised.
X / 146	Add the following: (McClure) To promote the safety and well-being of MSSD students, security cameras will record all classrooms, therapy areas, halls and entrances/exits of MSSD facilities while in operation. These video recordings will be considered student records”.	This is a significant change that will need public comment. Will be considered the next time the state plan is revised.